

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

DAKOTA HOWELL,

Petitioner,

Case No. 3:21-cv-83

vs.

NORMAN ROBINSON, Warden,  
London Correctional Institution,

District Judge Michael J. Newman  
Magistrate Judge Michael R. Merz

Respondent.

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**ORDER AND ENTRY: (1) ADOPTING THE REPORTS AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Doc. Nos. 21, 26); (2) OVERRULING PETITIONER’S OBJECTIONS (Doc. Nos. 24, 29); (3) DISMISSING PETITIONER’S PETITION (Doc. No. 5) WITH PREJUDICE; (4) DENYING A CERTIFICATE OF APPEALABILITY; (5) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (6) TERMINATING THIS CASE**

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This civil case is before the Court on the Report and Recommendations (Doc. No. 21) and Supplemental Report and Recommendations (Doc. No. 26) issued by United States Magistrate Judge Michael R. Merz (hereinafter referred to jointly as “Reports and Recommendations”), to whom this case was referred pursuant to 28 U.S.C. § 636(b). *Pro se* Petitioner filed objections to both Reports and Recommendations. Docs. 24, 29. As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including Petitioner’s objections.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendations (Doc. Nos. 21, 26) should be adopted and that Petitioner’s objections (Doc. Nos. 24, 29) should be overruled. Accordingly, the Court: (1) **ADOPTS** the Reports and

Recommendations of the Magistrate Judge (Doc. Nos. 21, 26) in their entirety; (2) **OVERRULES** Petitioner's objections (Doc. Nos. 24, 29); (3) **DISMISSES** Petitioner's petition (Doc. No. 5) **WITH PREJUDICE**; (4) **DENIES** Petitioner a certificate of appealability; (5) **CERTIFIES** that any appeal would be objectively frivolous and finds that Petitioner should be denied *in forma pauperis* status on appeal; and (6) **TERMINATES** this case on the Court's docket.

**IT IS SO ORDERED.**

Date: March 2, 2022

s/ Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge